

## APPEAL NO. 010005

Following a contested case hearing (CCH) held on November 29, 2000, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), the hearing officer resolved the disputed issues by finding that the appellant (claimant), while having incurred a compensable injury to her left knee, did not, in addition, sustain a compensable injury to her low back, neck, left shoulder, left hip, and left lower extremity. The hearing officer further found that the compensable injury caused no disability. The claimant appeals the hearing officer's decision and order and asserts that the evidence showed that she had sustained an injury that extended to her low back, neck, left shoulder, left hip, and left lower extremity, and that her injuries caused her to be disabled and, therefore, unable to work. The respondent (carrier) urges that the panel affirm the hearing officer's decision and order.

### DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury to her left thigh "on or about" \_\_\_\_\_, when she fell from the back of the employer's truck. The issues at the CCH were whether the claimant's compensable injury extended to other parts of her body and whether the claimant was rendered disabled by the compensable injury. The claimant testified that she continued to work in her usual position from the date of her injury until the date of her termination for cause on, April 17, 2000, but that she has not since worked because of her "disability." She further testified that her injury extended to other parts of her body, including her neck, hip and back. The claimant also presented medical records from a chiropractor she began seeing upon her termination from the employer, Dr. H, which contained references to injuries to the claimant's lower back and hip.

The carrier and employer introduced medical records showing that the claimant had not complained of any injury other than that to her knee until after her termination. Further, the carrier introduced testimony from the claimant's supervisor that the claimant had voluntarily picked up extra shifts, during the time between the date of her injury and the date of her termination, approximately ten times.

As noted, the parties introduced conflicting evidence regarding the extent of the claimant's injury and whether she had disability because of her injuries. Pursuant to Section 410.165(a) of the 1989 Act, the hearing officer is the sole judge of the weight and credibility of the evidence. Further, the hearing officer resolves the conflicts and inconsistencies in the evidence and determines what facts have been established from the conflicting evidence. Garza v. Commercial Ins. Co. of Newark, N.J., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ); St. Paul Fire & Marine Ins. Co. v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). This tribunal will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight

and preponderance of the evidence as to be clearly wrong or manifestly unjust; we do not find them so here. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986); In re King's Estate, 150 Tex. 2, 244 S.W.2d 660 (1951).

For these reasons, we affirm the hearing officer's decision and order.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Kenneth A. Huchton  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge